IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 951 OF 2004

IN

SUMMARY SUIT NO. 2028 OF 2004

Pratima Mangal Shah .. Plaintiff.

vs.

Shree Ambe Construction

Pvt. Ltd,. & Ors. .. Defendants.

Mr. P.M. Shah for plaintiff.

Mr. Yogesh Thakar a/w Nirmal Devnani

i/by Meghraj & Asso. for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 10TH OCTOBER, 2005.

P.C.

. The learned counsel for the plaintiff does not press the summons for judgment against the defendant nos. 2 and 3 and seeks deletion of defendant nos. 2 and 3 from the suit. Deletion is granted. Amendment to be carried out within one week. The suit arises out of the four dishonoured cheques. The said cheques are issued by the 1st defendant. It is the case of the plaintiff that the said cheques are issued in respect of the goods sold

and delivered by the plaintiff to the defendant no. 1. There is no dispute as to the issuance of the cheques and their dishonour. However, the learned counsel for the defendants contends that the cheques were given merely as a security and actually the liability was to be discharged by M/s. Ravi Group of Companies who were the purchasers of the goods. In my opinion, the defendants have no defence in the present case and in that view of the matter there shall be a decree in favour of the plaintiff and against the defendants for the sum of Rs. 5,37,000/- along with further interest at the simple rate of interest of 12% on the principle amount from the date of the suit till payment and/or realisation. Summons for judgment made absolute accordingly. Suit decreed.